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September 14, 2026

Gregory Duffy
14 Beverly Road
Perkasie, PA 18944

**Re: Hilltown Township Zoning Hearing Board
Gregory Duffy; Appeal No. 2026-009**

Dear Mr. Duffy:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated September 11, 2026 in the above-captioned matter. The original of this Decision is being retained by the Township for its file.

Thank you for your attention to this matter.

Very truly yours,
Grim, Biehn & Thatcher



KELLY L. EBERLE

KLE/ben
Encl.

cc: Hilltown Township Manager (w/encl.)

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Gregory Duffy

Appeal No. 2026-009

A hearing was held in the above matter on Wednesday, July 28, 2026, at 7:00 p.m. at the Hilltown Township Municipal Building. Notice of the hearing was published in The Intelligencer advising that all parties in interest might appear and be heard. In addition, the property was posted, and written notice was provided to neighboring property owners as required by the Zoning Ordinance.

The matter was heard before Stephen C. Yates, Chairman, D. Brooke Rush, and Matthew Knox. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicant was present and not represented by counsel. No individuals requested party status.

The following exhibits were admitted and accepted into evidence:

Zoning Hearing Board's Exhibits

- B-1 Proof of Publication
- B-2 Posting Certification
- B-3 Letter with Enclosure dated July 7, 2026 to Neighboring Property Owners from K. Eberle

Applicant's Exhibits

- A-1 Application with all attachments (including deed and plan)

No other documentary evidence was submitted or received by the Hilltown Township Zoning Hearing Board. After weighing the credibility of the testimony and documents offered, the Hilltown Township Zoning Hearing Board renders its Decision on the above Application as more fully set forth below.

I. FINDINGS OF FACT

1. The Applicant is Gregory Duffy (“Applicant”).
2. The subject property is the real property located at 14 Beverly Road, Hilltown Township and more specifically identified as Bucks County Tax Parcel No. 15-042-012 (“Property”).
3. The Property is located in the CR-2 Country Residential II Zoning District and is part of a cluster subdivision. It is unclear if it is a cluster 1 or cluster 2 subdivision.
4. The Property has a lot area of 30,187 square feet and is improved with a single-family dwelling and related improvements including a patio located off the rear of the dwelling, an existing shed, and pool located in the rear yard.
5. The Property has road frontage of approximately 157.3 feet and narrows towards the rear, resulting in side lot lines of approximately 240 feet each and a rear lot line of approximately 83.7 feet.
6. Applicant wishes to install a detached garage in the side yard for additional storage.
7. As proposed, the detached garage would be 20 feet by 24 feet in size with a 12-foot by 4-foot roof overhang.
8. The detached garage will be located at the end of the existing driveway, 15 feet from the existing dwelling and 18 feet, 1.5 inches from the side yard property line at its closest point.
9. The Hilltown Township Zoning Ordinance §160-23.B(3) requires a minimum of 20 feet for side yard setbacks for properties in the CR-2 Country Residential II Zoning District.
10. The proposed garage would encroach into the required side yard setback resulting in a side yard setback of 18 feet, 1.5 inches rather than the required 20 feet.

11. Applicant initially wanted a 24' x 24' garage but reduced the size to 20' x 24' to reduce the variance needed.

12. If Applicant moved the detached garage closer to the existing dwelling, he would need a variance from §160-23.I(2)(a)[4], which requires that residential accessory structures “shall not be closer than 15 feet to a principal dwelling on the same lot.”

13. Accordingly, Applicant requests a variance from Zoning Ordinance §160-23.B(3) to permit the installation of a detached garage with a side yard setback of 18 feet, 1.5 inches rather than the minimum required side yard setback of 20 feet.

14. Though the issue of impervious surface coverage is not before the Board, it is noted that the plan submitted with Applicant's application indicates that the maximum impervious surface coverage in the CR-2 Zoning District is 15%, and the total impervious surface coverage on the Property after the proposed improvements will be 22.8%. However, because the Property is part of a cluster subdivision, the maximum impervious surface coverage would be either 25% or 35% depending on whether it is a cluster option 1 or cluster option 2. *See* §160-26 Attachment 3, Table of Performance Standards: Bulk and Area.

II. DISCUSSION

Applicant requests a variance from Zoning Ordinance §160-23.B(3), which requires a minimum side yard setback of 20 feet, to allow for the construction and installation of a detached garage with a side yard setback of 18 feet and 1.5 inches.

In considering applications for a variance, this Board is required to apply the provisions of Section 10910.2 of the Municipalities Planning Code. The Board has the authority to grant a variance if it finds that an applicant has met its burden of proof for the following five elements: first, that the property has unique physical circumstances, peculiar to the property, and not

generally created by the Zoning Ordinance; second, that an unnecessary hardship exists, due to the uniqueness of the property, resulting in an applicant's inability to develop or have any reasonable use of the property; third, that the applicant did not create the hardship; fourth, that the grant of a variance will not alter the character of the neighborhood or be a detriment to the public welfare; and fifth, that the variance is the minimum necessary to afford relief. 53 P.S. § 10910.2(a). In the case of *Hertzberg vs. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A. 2d 43 (S. Ct. – 1998), the Supreme Court of Pennsylvania held that the grant of a dimensional variance is of lesser moment than the grant of a use variance, and the proof required to establish unnecessary hardship is lesser when a dimensional variance, as opposed to a use variance, is sought.

Based on the above, the Board finds that the Applicant has shown the existence of a hardship, not self-created, and unique and peculiar to the Property that requires the grant of a variance from Zoning Ordinance §160-23.B(3) to permit a side yard setback of 18 feet and 1.5 inches, rather than the minimum required side yard setback of 20 feet in connection with the construction and installation of a detached garage. Additionally, the Board finds that the variance, with the conditions imposed in the Order, would not be injurious to the health, safety, and welfare of the surrounding community and constitutes the minimum relief necessary to afford Applicant the opportunity to reasonably use the Property.

DECISION AND ORDER

AND NOW, this 11th day of September, 2026, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The construction of the detached accessory building shall be done in conformity with the testimony and exhibits presented before the Board.

2. Applicant shall otherwise comply with all other Township, County, and/or State laws regarding construction and use.

The Hilltown Township Zoning Hearing Board deems the foregoing conditions necessary and warranted under the Hilltown Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

HILLTOWN TOWNSHIP ZONING HEARING BOARD

By: DocuSigned by:

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Stephen C. Yates, Chairman

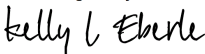
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D. Brooke Rush

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Matthew Knox

GRIM, BIEHN & THATCHER

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Kelly L. Eberle, Solicitor
104 South Sixth Street
Perkasie, PA 18944

Date of Mailing: 9/14/2026